## REMARKS

### I. Introduction

Claims 10-18 are pending in the present application, and claims 10, 11, 16 and 18 have been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims 10-18 are allowable, and reconsideration of the pending claims is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that a certified copy of the priority document has been received.

### II. Information Disclosure Statements & Objections to Drawings

The Examiner indicated that information referenced in the Information Disclosure Statements mailed on 6/12/2000 and 8/18/2000 "has not been fully considered as to the merits because some references were not in English and no translation was found." Applicants note that all non-English documents referenced in the Information Disclosure Statements mailed on 6/12/2000 were either mentioned in the present application or mentioned in the accompanying copy of an English-language International Search Report issued in the underlying PCT application. Furthermore, all non-English documents referenced in the Information Disclosure Statements mailed on 8/18/2000 were accompanied by English abstracts. Applicants respectfully submit that the "concise explanation" requirement for non-English documents, as stated in 37 C.F.R. 1.98, has been fully satisfied by the above-described submission of the International Search report and the English abstracts, as well as by the mentioning in the present application. (See MPEP 609 IIIA(3)). Applicants further note that full English-language translations of the non-English-language documents were not required to be submitted under 37 C.F.R. 1.98, since such English-language translations were not "within the possession, custody, or control of, or readily available." Accordingly, Applicants note that the Information

Disclosure Statements mailed on 6/12/2000 and 8/18/2000 fully comply with 37 C.F.R. 1.98, and all documents referenced in the Information Disclosure Statements mailed on 6/12/2000 and 8/18/2000 should be fully considered as to the merits, made of record, and appear among the "References Cited" on any patent which may issue based on the present application.

The Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because the reference numeral 26 shown in Figs. 1 and 3 is allegedly not mentioned in the description. However, Applicants note that reference numeral 26 is described on page 3, line 31 of the present application as a "remote control transmitter/receiver." Accordingly, the drawing objection should be withdrawn.

### III. Rejection of Claims 16 and 18 under 35 U.S.C. § 112, second paragraph

Claims 16 and 18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In response, claim 16 has been amended to recite that "a counter code previously transmitted to the base device in the immediately preceding prompt/reply cycle serves as the reference code." In addition, claim 18 has been amended to recite that "the code word is transmitted wirelessly at a high radio frequency, and the prompt signal is transmitted wirelessly at a low radio frequency."

### IV. Rejection of Claims 10-12 and 14-18 under 35 U.S.C. § 102(b)

Claims 10-12 and 14-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,310,720 ("Check"). Applicants respectfully submit that this rejection should be withdrawn for the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. <u>Verdegaal Bros. v. Union Oil Co. of Calif.</u>, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." <u>Richardson v. Suzuki Motor Co.</u>, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. <u>In re Bond</u>, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). It is respectfully submitted that Check, Jr. does not teach each and every limitation of claims 10-12 and 14-18, as explained in detail below.

Amended claim 10 recites the following:

10. (Currently Amended) A system for controlling an access authorization, comprising:

a base device including a computer, wherein the base device initially transmits a prompt signal within a framework of an initial prompt/reply cycle that is successfully carried out; and

at least one remote control storing the initially transmitted prompt signal from the initial prompt/reply cycle;

wherein, in an access authorization process, **subsequent to the initial prompt/reply cycle** that is successfully carried out, the at least one remote control transmits to the base device a code word containing a reply, **the reply being formed at least partially as a function of the prompt signal stored in the at least one remote control**, and wherein the base device receives the code word containing the reply and compares the reply contained in the code word with a required reply, and wherein an access is authorized if the reply contained in the code word agrees with the required reply.

As recited in amended claim 10, the system for controlling an access authorization includes a remote control that stores the prompt signal sent by the base device in a **previously performed prompt/reply cycle**, and in a subsequent access authorization attempt the remote control transmits to the base device a code word containing a reply that is **"formed at least partially as a function of the prompt signal stored in the at least one remote control**, . . . wherein an access is authorized if the reply contained in the code word agrees with the required reply."  In contrast to the limitations of amended claim 10, as well as in contrast to the Examiner's assertions, Check does not teach or suggest these features, as explained in detail below.

Initially, Check teaches that "a remote computer is accessed by a nonrecurring access code," (col. 2, l. 5-6), and that "the controller 30 is programmed with a congruent random number generation algorithm and initial seed numbers compatible with those assigned to all authorized access units." (Col. 4, l. 48-51).  "Furthermore, the controller 30 may be set up such that the initial access code generated by each authorized access unit and its associated assigned password is contained in a self-contained memory." (Col. 4, l. 51-55).  "Upon receiving a transmitted access code which coincides with the stored access code anticipated, . . . the controller 30 thereafter sends a message to the access unit microprocessor 18 indicating acceptance of the access code such that the microprocessor will generate the next sequential pseudo-random number upon subsequent actuation rather than repeat its last pseudo-random number." (Col. 5, l. 33-40).  "The controller 30 thereafter generates the next expected access code for the access unit 16 through the pseudo-random number generation algorithm with seed numbers which have been generated, . . . and modifies the pseudo-random number by the password." (Col. 5, l. 58-62).  Accordingly, Check clearly teaches that a new access code is generated at both the access unit 16 and the controller 30 for each access attempt, based on a new pseudo-random number and the password.

However, the above-described system disclosed in Check is clearly different from the system recited in amended claim 10, which includes a remote control that **stores the prompt signal sent by the base device** in a **previously performed prompt/reply cycle**, and in a subsequent access authorization attempt the remote control transmits to the base device a code word containing a reply that is **"formed at least partially as a function of the prompt signal stored in the at least one remote control**, . . . wherein an access is authorized if the reply contained in the code word agrees with the required reply." In fact, Check fails to teach or suggest that "the base device initially transmits a prompt signal within a framework of an initial prompt/reply cycle that is successfully carried out," and that "at least one remote control stor[es] the initially transmitted prompt signal from the initial prompt/reply cycle."

For at least the foregoing reasons, amended claim 10 and its dependent claims 11-12 and 14-18 are not anticipated by Check.

Independent of the above, Check fails to teach or suggest that "the **required reply** is formed as a function of <u>a unique</u> identifier <u>for the at least one remote control, the unique identifier being</u> stored in the at least one remote control and contained in the code word," as recited in claim 11.

In addition, Check fails to teach or suggest the limitation of claim 12 that "the prompt signal," which corresponds to the "<u>prompt signal within a framework of an initial prompt/reply cycle that is successfully carried out</u>," is stored in the base device.

In addition, Check fails to teach or suggest that "the code word includes a **counter code** that is compared by the base device to a reference code," as recited in claim 14, or that "<u>a counter code previously transmitted to the base device in the immediately preceding prompt/reply cycle</u> serves as the reference code," as recited in claim 16, or that the counter code is

encrypted, as recited in claim 17. The section of Check cited by the Examiner in support of the rejection of claims 14 and 16, i.e., col. 2, lines 10-12 and 36-41, merely indicates that "the decoded access code" is compared to "an expected access code," and that a communications link is established "between a computer and a user which utilizes pseudo-random number generation to provide nonrecurring access codes." The section of Check cited by the Examiner in support of the rejection of claim 17, i.e., col. 3, line 60 to col. 4, line 2, merely indicates that communication from the I/O device 24 to the computer 12 is first encrypted. However, there is absolutely no suggestion in Check regarding inclusion of a "counter code" in the code word, let alone comparing the counter code to a reference code which is "a counter code previously transmitted to the base device in the immediately preceding prompt/reply cycle."

Regarding claim 15, which recites that "the counter code is changed in response to an actuation of an operating control element," nothing in the cited section of Check, i.e., col. 6, lines 23-25, indicates the claimed feature. The cited section of Check merely states that the access unit generates the "next sequential pseudo-random number modified by whatever password is attempted."

Regarding claim 18, nothing in Check teaches or suggests that "the code word is transmitted wirelessly at a high radio frequency, and the prompt signal is transmitted wirelessly at a low radio frequency." In fact, Check discloses a fixed-line communications link 14, e.g., a telephone line, (col. 3, lines 27-30), and there is no suggestion of wireless transmission at radio frequencies.

## V. Rejection of Claim 13 under 35 U.S.C. § 103(a)

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Check. Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). Applicants note that claim 13 depends from claim 10. As noted above, Check clearly fails to teach or suggest all of the limitations of parent claim 10. Accordingly, dependent claim 13 is allowable over Check by virtue of dependence of claim 13 on claim 10.

Independent of the above, it should be noted that claim 13 recites that "the prompt signal stored in the base device is erased when a number of failed agreements of the reply and the required reply exceeds a specifiable limiting value." While the Examiner "takes official notice that reassigning passwords is a common way to prevent unauthorized access to a system," Applicants note that reassigning user passwords is not the same as erasing the prompt signal stored in the base device, which prompt signal corresponds to the prompt signal from a previous, successfully carried out prompt/reply cycle. For this additional reason, claim 13 is not rendered obvious by Check.

## CONCLUSION

Applicants respectfully submit that all pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.
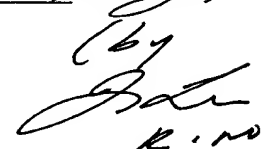
Respectfully submitted,

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